

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert W. Monster

Application No.: 10/031,236

Confirmation No.: 5037

Filed: October 19, 2001

Art Unit: 2626

For: LANGUAGE SENSITIVE ELECTRONIC
MAIL GENERATION AND ASSOCIATED
APPLICATIONS

Examiner: J. W. Rider

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(D)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests reconsideration of the patent term adjustment indicated in the Issue Notification of May 27, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 567398002US from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 1529 days. The PTO's calculated patent term adjustment is 876 days. Applicant is entitled to an additional 653 days of patent term adjustment.

The PTO properly accounted for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 1097 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 1109 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 427 days.

The PTO failed to properly account for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 250 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $1097 + 1109 - 427 - 250$, which is 1529 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	12/19/2002	↓
First Office Action	12/20/2005	1097
Total		1097

B Delay		
Filing Date + 3 years	10/19/2004	↓
Notice of Allowance	05/27/2009	1109
Total		1109

Overlap		
Filing Date + 3 years	10/19/2004	↓
Office Action	12/20/2005	427
Total		427

Reduction		
Office Action	12/20/2005	↓
Reply to Office Action	05/25/2006	66
Office Action	08/21/2006	
Reply to Office Action	02/16/2007	87
Final Office Action	05/02/2007	
Reply to Final Office Action	11/02/2007	92
Office Action	12/11/2007	
Reply to Office Action	03/16/2008	5
Total		250

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

Dated: 8/13/09

Respectfully submitted,

By 

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